

1 UNITED STATES DISTRICT COURT
2 WESTERN DISTRICT OF VIRGINIA
3 Charlottesville Division

4 UNITED STATES OF AMERICA, Criminal No. 3:16cr50008

5 Plaintiff,

6 vs.

Charlottesville, Virginia

7 JASON BRADLEY, NAYNA TAYLOR,
8 and EDWARD TAYLOR,

2:16 p.m.

9 Defendants.

July 5, 2017

10 TRANSCRIPT OF EXCERPT OF TESTIMONY OF VICTORIA BROADSTREET
11 BEFORE THE HONORABLE NORMAN K. MOON
12 UNITED STATES DISTRICT JUDGE, and a Jury

13 APPEARANCES:

14 For the United States:

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24 Proceedings recorded by mechanical stenography; transcript
25 produced by computer.

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1 MS. MUNRO: Your Honor, the government would call
2 Victoria Broadstreet.

3 VICTORIA BROADSTREET, CALLED AS A WITNESS BY THE GOVERNMENT,

4 SWORN

5 (Testimony conducted, but not transcribed at this juncture.)

6 MS. MUNRO: Your Honor, the government moves to admit
7 Exhibit 112 into evidence.

8 MR. NAGY: We have an objection at this time.

9 THE COURT: All right. Come on.

10 (Side bar discussion held on the record.)

11 MR. NAGY: We have separate objections, Mr. Parker
12 and I. I'll go first.

13 My first objection -- my objection is based on
14 relevance. At this point in time, the item that has been
15 introduced, the previous witness testified that that was
16 taken off of Nayna Taylor, and he identified Nayna Taylor,
17 and the record reflects that he identified Nayna Taylor as
18 being the individual sitting over there in the jacket and
19 pink shirt. Again, for the record, that is not Nayna Taylor.
20 That is somebody else. So, therefore, from a relevance
21 standpoint, we have the previous witness testifying that the
22 current exhibit that the government is trying to get into
23 evidence was seized from somebody who is not a part of this
24 case and, therefore, I don't know how the introduction of
25 this evidence is relevant. It did not come from my client,

1 and the testimony of the previous witness was that it did not
2 come from Mr. Taylor. So, therefore, what we have is a
3 situation where the prior witness has identified the lady in
4 the pink shirt over there as the person who brought the drugs
5 and who they seized these alleged drugs from. Therefore,
6 this is a relevance issue and they're not admissible. They
7 have nothing to do with the case.

8 THE COURT: I understand your point.

9 What do you have to say?

10 MS. MUNRO: Your Honor, I think the government has
11 put forward sufficient evidence. As you know, if there were
12 an issue with respect to that, the government would say it
13 should go to the issue of weight and not admissibility.

14 As far as admitting this evidence, we've had numerous
15 witnesses testify these particular 200 packets of Crystal
16 Bubbly were seized in connection with a law enforcement
17 situation and there's sufficient evidence the jury could
18 infer that evidence is connected to defendant Nayna Taylor
19 based on her presence on the video, based on the testimony of
20 Officer Scotton, based on the testimony of other law
21 enforcement witnesses that have handled it. Regardless of
22 whether Mr. Scotton made a mistake in identifying the
23 witness, the jury is entitled to this evidence.

24 THE COURT: What's your objection?

25 MR. PARKER: My objection is on the chain of custody,

1 Your Honor.

2 There were two witnesses that the evidence was not
3 presented to and did not ID the evidence. Those two
4 witnesses are the Burlington Police Department evidence
5 technicians, Parker and Jones. The evidence was never
6 presented to them. They never identified as to what it was.
7 That's important because from the evidence that we have,
8 there was three things that were taken here in this bust.
9 There was a jar of suspected mushrooms. There was \$5,000
10 cash, and there was the 200 packets of Crystal Bubbly.

11 MR. NAGY: And stuff taken from the house, too. They
12 raided the house as well.

13 MR. PARKER: So we don't know what of this -- because
14 the evidence was not identified by these clerks, went to the
15 lab, the state lab --

16 THE COURT: Okay.

17 MS. MUNRO: Your Honor, as the government and the
18 Court knows, the government's job in this process, for the
19 purpose of admitting the evidence, is to provide reasonable
20 evidence that the --

21 THE COURT: Okay. Tell me what the reasonable
22 evidence is.

23 MS. MUNRO: Well, we had the evidence going directly
24 from the seizing agent to the Burlington, North Carolina
25 Police Department from Carrasco. Belinda Parker said she

1 took the evidence and could identify it by identifying the
2 chain of custody report. Took it to the lab. Sylvia Jones
3 testified while at the lab, it was not tested and she was
4 responsible for taking that in and returning it. It then
5 went back to the Burlington Police Department through Romana
6 Rascoe.

7 THE COURT: Going back, what is the evidence that it
8 was sealed from the time it was seized until the time --

9 MS. MUNRO: Every witness who's testified has
10 indicated they would not be able to accept it if it was not
11 sealed, and it was not disturbed or put in the hands of
12 anybody else. There was no evidence it was tampered with,
13 and now we have the chemist on the stand who was the last
14 person to handle it.

15 THE COURT: Do we have evidence it was sealed each
16 time it was transported? It was transferred to Y gentleman.
17 How do we know if X didn't seal it -- that it was unsealed?

18 MS. MUNRO: The technicians all testified they didn't
19 have the authority to open this evidence. They didn't have
20 authority to open it for any reason. It couldn't be checked
21 in and out of the laboratories if it wasn't properly sealed.

22 THE COURT: I think there's sufficient evidence that
23 a reasonable person could infer that it was not tampered with
24 from the time it was seized until the time it was analyzed,
25 and with regard to your knowledge situation --

1 MR. NAGY: Judge, if it didn't come from her --

2 THE COURT: She's the one -- the lady in the green
3 and blue scarf was not in the store. It's pretty obvious
4 they picked it up from the Taylors. The jury -- you can
5 argue that, but just because he misidentified somebody he
6 doesn't know, in court -- I think the circumstantial evidence
7 is that it came from her, and I think she's the one -- the
8 jury can infer it was her.

9 MR. NAGY: Just note my exception to the Court's
10 ruling, for the record.

11 THE COURT: I understand.

12 You all ought to listen to your witnesses.

13 (Conclusion of side bar.)

14 MS. MUNRO: Your Honor, may the government ask for a
15 ruling on the record regarding Exhibit 112?

16 THE COURT: Rule that it's admitted.

17 MS. MUNRO: Thank you.

18 (Government Exhibit No. 112 was marked for
19 identification and admitted into evidence.)

20 (Conclusion of requested excerpt.)

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INDEXWITNESS FOR GOVT.

Victoria Broadstreet

Exhibit No.MarkedAdmitted

Govt. No. 112

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"I certify that the foregoing is a correct transcript from
the record of proceedings in the above-entitled matter.